

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4564 of 2016

- Rameshwar Singh Urf Ramesh Rajput S/O Mr. Kunwar Singh Rajput Aged About 47 Years R/O Vikas Nagar, 27 Kholi, Thana Civil Lines, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-8-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30-06-2016 in connection with Crime No. 131 of 2016, registered at Police Station City Kotwali, District Bilaspur (CG) for the offence punishable under Sections 420 & 471 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by one Rajneesh Dubey that the applicant entered into an agreement with the complainant for sale of land for consideration and out of total consideration Rs.9,50,000/- was paid by the complainant to the present applicant and on enquiry it was found that the said land was not owned by the present applicant, thereafter a report was made to Police and further agreement was entered into between the parties whereby it was agreed that an amount of Rs.13,50,000/- is to be paid by the applicant to the complainant and certain cheques were

issued by the present applicant to the complainant and thereby the aforesaid offence has been committed by the present applicant.

3. Learned counsel appearing for the applicant would submit that the entire allegations made in this case are civil in nature and even if the version of the complainant is accepted as it is, it will not make out a case of any criminality as it is not categorically established that land never belonged to the present applicant and on presumption the entire proceedings started. He would further submit that the applicant has been falsely implicated, charge-sheet in this case has been filed and the applicant is in jail since 30-06-2016 and no further evidence is required, t therefore, the applicant may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, considering the nature of allegations, *prima facie*, it appears that the dispute is civil in nature and also the fact that charge-sheet has been filed and the applicant is in jail since 30-06-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

